



Austin City Council MINUTES

DECEMBER 7, 1995

Mayor Todd called the meeting to order, Councilmember Mitchell off the dais, Councilmember Shea temporarily absent.

1. Approval of Minutes for Special Called Session of November 15, 1995, Regular Called Meeting of November 16, Worksession of 11/29, and Regular Called Meeting of November 30, 1995.
Minutes for Regular Called Meeting of November 16, 1995 postponed.

Minutes for Special Called Meeting of November 15, 1995, Worksession of November 29, 1995 and Regular Called Meeting of November 30, 1995 approved, on Mayor Pro Tem Garcia's motion, Councilmember Reynolds' second, 6-0 vote, Councilmember Shea temporarily absent.

AGENDA

CITIZEN COMMUNICATIONS: GENERAL

2. Mr. Robert Thomas, to discuss athletic programming at Central City Entertainment Center.
3. Mr. Paul Robbins, to discuss city affairs.
4. Mr. John Johnson, to discuss transferability of vending license exemption.
Absent
5. Mr. Gus Pena, to discuss public safety, youth issues, and housing issues.
6. Mr. Arvid Youngquist, remembering Pearl Harbor Day.
7. Mr. Antonio Sosa, to discuss police office conduct.
8. Mr. Leonard Lyons, to discuss "onward into the fog."

ACTION ON CONSENT AGENDA

ITEMS CONTINUED FROM PREVIOUS MEETINGS

9. Approve third reading of Encampment Ordinance. (Mayor Bruce Todd and Councilmember Ronney Reynolds)
Postponed to January 4, 1996

ORDINANCES

10. Approve third reading of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as Metric Boulevard and West Parmer Lane, Case No. C14-95-0015, from "NO", Neighborhood Office to "GR-CO", Community Commercial-Conditional Overlay, with the provision of the overlay to prohibit the following uses: Automotive Rentals, Automotive Repair Services, Automotive Sales, Automotive Washing, Business or Trade Schools, Business Support Services, Commercial Off-Street Parking, Communication Services, Drop-Off Recycling Collection Facility, Exterminating Services, Funeral Services, General Retail Sales (general), Hotel-Motel, Indoor Entertainment, Indoor Sports and Recreation, Medical Offices, Outdoor Entertainment, Outdoor Sports and Recreation, Pawn Shop Services, Personal Improvement Services, Pet Services, Research Services, Restaurant (general), Theater, Community Recreation (private), Community Recreation (public), Hospital Services (limited), Hospital Services (general), and Physical construction of a Drive-Through Lane; MELLON PROPERTIES (Blake Magee), by Graves, Dougherty, Hearon & Moody (Ann E. Vanderburg). First reading on July 27, 1995, Vote 5-0, Mitchell and Nofziger off the dais. Second reading on October 19, 1995; Vote 5-0-1, Todd absent and Mitchell abstained. Conditions met as follows: conditional overlay incorporates conditions imposed by Council. Street deed has been executed.
Ordinance No. 951207-A approved
11. Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 300 Little Texas Lane, Case No. C14-94-0030, from "MF-2", Multifamily Residence (low density) to "MF-3-CO", Multifamily Residence (medium density)-Conditional Overlay, with the following provisions: (1) limit density to 210 units; (2) prohibit access to Little Texas Lane until the road is upgraded to collector status; (3) compliance with an Integrated Pest Management Program; and (4) dedication of 35 feet of right-of-way from the existing centerline of Little Texas Lane; CAPITAL COMMERCIAL INVESTMENT (Doug Agarwal), by Minter, Joseph & Thornhill (Ken Brown). First reading on July 28, 1994; Vote 7-0. Conditions met as follows: conditional overlay and restrictive covenant incorporates conditions imposed by Council. Street deed has been executed.
Ordinance No. 951207-B approved
12. Approve second/third reading of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property located at the northwest corner of U.S. Highway 183 and Lakestop Boulevard, Case No. C14-95-0044, from DR to CS. STRASBURGER & PRICE, L.L.P. by David Armbrust. First reading on November 30, 1995. Conditions met as follows: Applicant has met all conditions as imposed by Council on first reading: 1. Execution of a Street deed dedicating the required 75 feet of right-of-way from the existing centerline of U.S. Highway 183.
Ordinance No. 951207-C approved
13. Approve second reading of a franchise agreement between Pedernales Electric Cooperative, Inc. and the City of Austin related to use of facilities in the City's rights-of-way. (Unanticipated revenue is \$71,250.)
Approve second reading only
14. Approve full purpose annexation of the Mt. Bonnell area. (Funding is available in the 1995-96 operating budget for required services; property tax revenue from this annexation will not be received until FY 1996-97.)

Ordinance No. 951207-D approved

15. Amend Chapter 12-2 of the Austin City Code to delete the exemption provided for temporary food establishments from having to pay fees for food vendor permits. (Estimated revenue of \$27,400 was included in the 1995-96 operating budget for the Health and Human Services Department.)

Ordinance No. 951207-E approved

16. Amend the Austin City Code by modifying the Basic Traffic Ordinance, Section 16-4-5 (E) Speed Limits, to establish a 55 mph speed limit on Mopac Boulevard (Loop 1) within the City Limits of Austin.

Ordinance No. 951207-F approved

17. Amend the Austin City Code by modifying the Basic Traffic Ordinance, Section 16-4-5 (E) Speed Limits, to establish a 55 mph speed limit on I-35 Expressway within the City Limits of Austin.

Ordinance No. 951207-G approved

RESOLUTIONS

18. Approve negotiation and execution of a Parkland Improvement Agreement with Global Southwest Development, Inc., to construct park improvements on City parkland. (An estimated \$300,000 in park improvements provided by Global Southwest Development, Inc.) (Recommended by Parks Board)

Approved

19. Approve negotiation and execution of an Interlocal Agreement with CAPITAL METRO to receive real estate acquisition services from the Real Estate Services Division, Public Works Department. (Funding in the amount of \$25,000 is available from Capital Metro. Capital Metro will pay for services as needed at rates and under terms described in the agreement.)

Approved

20. Approve execution of a twelve (12) month supply agreement with TEXAS TRUCKING COMPANY, INC., (MBE/MH), Leander, Texas, for the purchase and delivery of flexible base material used in the construction and rehabilitation of streets and alleys, in an amount not to exceed \$340,845 with two (2) twelve (12) month extension options in an amount not to exceed \$340,845 per extension, for a total amount not to exceed \$1,022,535. (Funding in the amount of \$62,231.25 is available in the 1995-96 operating budget of the Transportation Fund. \$100,575 is available in the 1995-96 operating budget of the Electric Utility Department. \$76,620 is available in the 1995-96 operating budget of the Water and Wastewater Utility. \$16,207.50 is available in the 1995-96 operating budget of the Golf Fund. Funding for the remaining three (3) months and the extension options is contingent upon available funding in future budgets.) Low bid of three (3). No M/WBE Subcontracting opportunities were identified. Recommended by the Water & Wastewater Commission.

Approved

21. Approve execution of a twelve (12) month service agreement with AMERITEX GUARD SERVICES, (MBE/MH), Richardson, Texas, to provide security guard services at Waller Creek Center, in an amount not to exceed \$50,923.40 with one (1) twelve (12) month extension option

in an amount not to exceed \$50,923.40, for a total amount not to exceed \$101,846.80. (Funding is available in the 1995-96 operating budget of the Water and Wastewater Department. Funding for the remainder of the contract and the extension options is contingent upon available funding in future budgets.) Low bid of five (5) meeting specifications. No M/WBE Subcontracting opportunities were identified. Recommended by the Water & Wastewater Commission.

Approved

Items 10 through 21 approved on, Mayor Pro Tem Garcia's motion, Councilmember Reynolds', second 7-0 vote.

22. Authorize negotiation and execution of an amendment to the service contract with the CAPITAL AREA TRAINING FOUNDATION, Austin, Texas, for the period of October 1, 1995 through September 30, 1996 to continue services related to School-to-Work activities in the Austin area, in an amount not to exceed \$154,000, for a total contract amount not to exceed \$505,391. (Funding is available in the 1995-96 operating budget for the Human Resources Department). **Approved on, Mayor Pro Tem Garcia's motion, Councilmember Reynolds' second, 6-0-1 vote, Councilmember Mitchell abstaining.**

23. Authorize acceptance of \$67,616 in additional grant funds from the Texas Department of Health for the HIV Health Education and Risk Reduction (HERR) program. Amend Ordinance No. 950911-A, the 1995-96 Operating Budget; amending the Special Revenue Fund by appropriating an additional \$67,616 in grant funds for the Health and Human Services Department special revenue fund, for a total grant amount of \$104,409; and authorizes an additional 1.5 full-time equivalent (FTE) grant funded positions. **Ordinance No. 951207-K approved**

24. Approve a resolution of support for the Austin Free-Net's grant submittal to the Texas State Library and Archives Commission in the amount of \$279,435 to provide free public Internet access in City of Austin libraries. **Approved**

25. Approve amendments to the Personnel Policies by 1)adding a Preamble, 2) reorganizing the Policies into two sections, one applicable to non-Civil Service employees and the other, which includes the addition of a management responsibilities section, applicable to Civil Service employees. **Approved**

ITEMS FROM COUNCIL

26. Approve an amendment to ordinance No. 940526-G to remove the restrictions on the activities and responsibilities of the four additional members of Airport Advisory Board. (Mayor Pro Tem Gus Garcia and Councilmember Jackie Goodman) **Ordinance No. 951207-L approved**

Items 23 through 26 approved on, Mayor Pro Tem Garcia's motion, Councilmember Reynolds' second, 7-0 vote.

27. Approve an Interlocal Agreement with the Austin Independent School District for playscape improvements to serve Allison Elementary School students and Civitan Park patrons. (Councilmember Jackie Goodman).
Postponed to December 14, 1995
28. Amend Section 10-1-19, Glass Containers, of the City Code, by adding a designated area in which glass containers are prohibited, to the east of IH-35, to include an area bounded by IH-35 on the west, Ceasar Chavez on the south, East 10th Street on the north, and Waller Street on the east. (Mayor Pro Tem Gus Garcia and Councilmember Brigid Shea)
Ordinance No. 951207-M approved on, Mayor Pro Tem Garcia's motion, Councilmember Reynolds' second, 7-0 vote.

4:00 P.M. - ZONING HEARINGS AND APPROVAL OF ORDINANCES

29. C14-95-0131 - GEORGE BLITCH/SHANNON KELLEY (George Blicht), by Richard H. Crank, ASLA (Richard Crank), 12913-12391 U.S. Hwy. 183 North. From SF-2 to GO. Planning Commission Recommendation: To Grant GO, General Office, zoning as requested.
Approve first reading only on Mayor Pro Tem Garcia's motion, Councilmember Reynolds' second, 5-0 vote, Councilmembers Goodman and Mitchell off the dais.

PUBLIC HEARING AND APPROVAL OF ORDINANCES/RESOLUTIONS

30. 4:30 P.M. - Conduct a public hearing to approve a permanent use agreement approximately 1,600 feet long by 24 inches wide, and temporary construct use agreements approximately 1,600 feet long by 16 feet wide to allow the construction of a fiber optic telecommunications cable through dedicated parkland known as Slaughter Creek Metropolitan Park, in accordance with Sec. 26.0001 of the Texas Parks and Wildlife Code. (Recommended by Parks Board)
Motion to close public hearing and approve on, Mayor Pro Tem Garcia's motion, Councilmember Reynolds' second, 6-0 vote, Councilmember Goodman off the dais.
31. 5:00 P.M. - Public hearing to grant a charter bus franchise to Admiral Coach Lines, Inc. (5% of gross revenue for the first year, 10% each additional year.) (Recommended by Urban Transportation Commission)
Motion to close public hearing on, Mayor Pro Tem Garcia's motion, Councilmember Shea's second, 6-0 vote, Councilmember Mitchell off the dais.
32. 5:15 P.M. - Public hearing on public safety, health and environmental concerns related to a proposal to transport gasoline and related products through a pipeline in south Austin, and examining the need for spill containment and evacuation plans along with any options for public comment on the issue. (Councilmembers Brigid Shea and Michael "Max" Nofziger)
Motion to close public hearing on, Councilmember Nofziger's motion, Councilmember Shea's second, 4-0 vote, Mayor Todd, Councilmembers Mitchell, and Reynolds off the dais.

33. 5:30 P.M. - Public hearing to consider amending the Land Development Code to create a new zoning district, the Central Urban Redevelopment District, (CURE) for the downtown area. The purpose of the new zoning district is to provide incentives and flexibility for development and redevelopment within the downtown area. (Councilmember Eric Mitchell)

Motion to close public hearing on, Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 4-0 vote, Councilmembers Shea, Reynolds and Nofziger off the dais.

EXECUTIVE SESSION (No Public Discussion on These Items)

Executive session held at 2:30 p.m. to 5:20 p.m. on item 34.

Executive session held at 7:43 p.m. to 8:31 p.m. on item 40.

The City Council will announce it will go into Executive Session, if necessary, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel, to discuss matters of land acquisition, litigation and personnel matters as specifically listed on this agenda. The City Council may also announce it will go into Executive Session, if necessary, to receive advice from Legal Counsel regarding any other item on this agenda.

Personnel Matters - Section 551.074

34. Discuss personnel evaluations of City Council appointees: City Manager, City Clerk, Municipal Court Clerk, City Auditor and Municipal Court Judges.

Advice of Counsel - Section 551.071

35. Discuss City of San Antonio, Texas et AL v. Westinghouse Electric Corp., Cause No. 90-5-00684-C, in the 23rd District Court of Matagorda County, Texas.
36. Discuss Houston Lighting and Power Company v. City of San Antonio, et al, Cause No. 88-923-E, in the 101st District Court of Dallas County, Texas.
37. Discuss City of Austin v. Houston Lighting and Power Company, Cause No. 94-007946, in the 164th District Court of Harris County, Texas.
38. Discuss Monaghan et al v. Maple Run at Austin MUD and City of Austin, 53rd District Court, Travis County, CA 95-06139.
39. Discuss City of Cedar Park v. City of Austin; Cause No. 95-317-C368, in the District Court of Williamson County, Texas.

40. Discuss terms and conditions of professional service contract with the Austin Revitalization Authority, Inc.
41. Discuss ownership interest in South Texas Nuclear Plant.

Staff Briefing - Section 551.075

42. Staff briefing on the electric revenue requirements, rate comparisons, and competition in the electric utility industry. (No City Council deliberation permitted under Section 551.075)

ACTION ON THE FOLLOWING

43. Approve benefit and compensation packages of City Council appointees: City Manager, City Clerk, Municipal Court Clerk, City Auditor and Municipal Court Judges.
Motion to give vote of confidence to City Council appointees: City Manager, City Clerk, Municipal Court Clerk, City Auditor and Municipal Court Judges, approved on Mayor Pro Tem Garcia's motion, Councilmember Goodman's second, 6-0 vote, Councilmember Reynolds off the dais.

APPOINTMENTS

MUSIC COMMISSION - MARUCA KAHN-GARCIA, DAVID BRICHLER, JR.
STREET CLOSURE TASK FORCE - SINCLAIR BLACK, JOHN HICKMAN, JOSE ARMANDO HERNANDEZ, REV. T. JAMES BETHELL

Approved on, Mayor Pro Tem Garcia's motion, Councilmember Nofziger's second, 5-0 vote, Councilmembers Goodman and Reynolds off the dais.

ADDENDUM

ORDINANCES

44. Amend the Austin City Code by modifying the Basic Traffic Ordinance, Section 16-4-5 (E) Speed Limits, to establish 55 mph speed limit on Loop 360 within the City Limits of Austin.
Ordinance No. 951207-H approved
45. Amend the Austin City Code by modifying the Basic Traffic Ordinance, Section 16-4-5 (E) Speed Limits, to establish 55 mph speed limit on Highway 183 within the City Limits of Austin.
Ordinance No. 951207-I approved
46. Amend the Austin City Code by modifying the Basic Traffic Ordinance, Section 16-4-5 (E) Speed Limits, to establish 55 mph speed limit on Highway 290 within the City Limits of Austin.
Ordinance No. 951207-J approved

47. Direct the City Manager to conduct further investigations into conditions of the State highways within the City Limits to see if any higher speeds are warranted and report back in 30 days.
(Mayor Bruce Todd)
Approved

Items 44 through 47 approved on, Mayor Pro Tem Garcia's motion, Councilmember Reynolds' second, 7-0 vote.

EXECUTIVE SESSION (No Public Discussion on These Items) continued

The City Council will announce it will go into Executive Session, if necessary, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Council, to discuss matters of land acquisition, litigation and personnel matters as specifically listed on this agenda. The City Council may also announce it will go into Executive Session, if necessary, to receive advice from Legal Counsel regarding any other item on this agenda.

Staff Briefing - Section 551.075

48. Staff briefing on implementation of SB 863. (City Council deliberation is not permitted under Section 551.075.

NOTE: The above items will be considered under its respective category, but follows the last number of the Austin City Council Agenda for December 7, 1995.

ADJOURNED at 8:35 p.m. on, Mayor Pro Tem Garcia's motion, Councilmember Shea's second, 5-0 vote, Councilmembers Goodman and Reynolds off the dais.

Approved on this the 14th day of December, 1995, on Mayor Pro Tem Garcia's motion, Mayor Todd's second, 5-0 vote, Councilmember Nofziger off the dais, Councilmember Shea absent.